

SANDRA E. DENNETT

JULY 1 (legislative day, JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 4002]

The Committee on the Judiciary, to which was referred the bill (H. R. 4002) for the relief of Sandra E. Dennett having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the commission of a crime involving moral turpitude in behalf of the wife of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Australia who was married to Winburn A. Dennett, Jr., a United States citizen, on February 25, 1949. The beneficiary of the bill pleaded guilty in 1945 to a charge of stealing a watch and a cigarette case from a hotel room. Without the waiver provided for in the bill she will be unable to enter the United States with her citizen husband.

A letter dated February 7, 1952, to the chairman of the Committee on the Judiciary of the House of Representatives from the Deputy Attorney General with reference to the case reads as follows:

FEBRUARY 7, 1952.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 4002) for the relief of Sandra E. Dennett, an alien. The bill would grant its beneficiary the right to be admitted to the United States for permanent residence notwithstanding her conviction of a crime involving moral turpitude.

The records of the Immigration and Naturalization Service of this Department disclose that, according to information furnished by Mrs. Viola Dennett, the alien's mother-in-law, Mrs. Sandra E. Dennett was born in Australia on January 12, 1927, and presently resides in that country. Mrs. Dennett stated that her son, Mr. Winburn A. Dennett, Jr., was born in Massachusetts on February 5, 1927, and is at present third mate on the steamship *Pioneer Glen* of the United States Line. Mr. Dennett was married to the beneficiary of this bill in Australia on February 25, 1949.

Mrs. Viola Dennett stated that the alien was arrested in Sydney, Australia, in 1945 when she and another girl were charged with stealing a watch and cigarette case from a hotel room. It is claimed that, although innocent, they pleaded guilty on advice of counsel on the representation that by so pleading they would receive a lesser penalty. It is stated that both of the girls had no money and were unemployed at the time. The alien was denied a visa by the American consul in Sydney upon the ground that she had been convicted of theft, a crime involving moral turpitude.

Inasmuch as Mrs. Dennett has been convicted of theft, a crime involving moral turpitude, she is inadmissible to the United States under the terms of the eleventh category of section 3 of the Immigration Act of February 5, 1917, as amended, which excludes from admission to the United States persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude. The record, however, presents no impelling factors which would warrant the enactment of the proposed special legislation waiving this provision of the immigration laws, which was enacted for the security and protection of the American people.

Accordingly, this Department is unable to recommend enactment of the measure.

Sincerely,

A. DEVITT VANECH, *Deputy Attorney General.*

Congressman Joseph W. Martin, Jr., the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following statement in support of the bill:

STATEMENT OF HON. JOSEPH W. MARTIN, JR., OF MASSACHUSETTS

This bill was introduced in behalf of Winburn E. Dennett, Jr., an American citizen born in Massachusetts. He is a graduate of the Massachusetts Maritime Academy, and ever since his graduation he has been an officer in the American merchant marine, serving as third mate on ships owned by the United States Lines. Dennett's father is a high-school principal in Massachusetts. He and Mrs. Dennett, as well as their son, have expressed a deep interest in the enactment of this bill, which would authorize the admission to the United States of the merchant marine officer's Australian wife, whom he married in Australia on February 25, 1949.

The bill was made necessary by the fact that Sandra Dennett is inadmissible under the general law by virtue of the fact that she was once convicted of a crime involving moral turpitude. Mrs. Dennett and another girl, who were unemployed and without funds at the time, were charged in Sydney, Australia, in 1945, with stealing a watch and a cigarette case from a hotel room. Both girls claimed they were innocent of the charge, but stated they pleaded guilty on advice of counsel, who advised them they would receive a lesser penalty on such a plea than if they went to trial and were found guilty. Mrs. Dennett was 18 years of age in 1945, at the time the alleged theft was charged against her.

Her American citizen husband has informed me that unless this bill is enacted to authorize his wife's admission to the United States, he will feel impelled to give up his position in the American merchant marine and his residence in the United States and go to Australia so that he can live with his wife. I point out that the marriage took place in February of 1949, over 3 years ago, and that ever since that time Mr. Dennett has been attempting to gain permission for his wife to join him in the United States. The American consul, of course, is barred under existing law from granting a visa.

This case would definitely appear to be one in which Congress might appropriately grant relief, and I hope your committee will so conclude.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 4002) should be enacted.